



April 14, 2014

City of Annapolis  
Neighborhood and Environmental Programs  
145 Gorman Street  
Annapolis, MD 21401

Attn: Frank Biba

**Re: FOREST CONSERVATION PLAN  
RESPONSE TO COMMENTS  
PRIMROSE HILL – PLD 2012-001  
3 MILKSHAKE LANE  
ANNAPOLIS, MD 21401**

Dear Mr. Biba:

The following is a point-by-point response to the comments generated in a letter dated March 18, 2014 from DNEP – Frank Biba and an email dated March 18, 2014 from Matt Waters to Frank Biba . We have organized the comments (copy attached) and our respective responses are as follows:

**DEPT. OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS (Frank Biba)**

**Response 1:** The following application requirements are being addressed as follows:

- The completed FCP application is enclosed.
- As discussed in the applicants last meeting with DNEP and P&Z on March 24, 2014, the areas of planting will be addressed with the detailed Planned Development plans to be submitted after the preliminary FCP is approved. The applicant acknowledges that mitigation plantings will be required for the trees removed as well as the planting requirement from the Forest Conservation Act with details of the planting being finalized after the Preliminary FCP is approved during the Planned development stage of the approval process.
- A copy of the approved Forest Stand Delineation plan is attached for your use depicting all of the environmental features of the site.
- As discussed in the applicants last meeting with DNEP and P&Z on March 24, 2014, the areas of planting, priority planting areas, utility easements, SWM, long term protection and location of retention and planting areas all will be addressed with the detailed Planned Development plans to be submitted after the preliminary FCP is approved. The applicant acknowledges the priority planting areas and will provide the planting plan at the next step in the development process.

**Response 2:** Comment acknowledged. The break even point on the Preliminary Forest Conservation Worksheet has been corrected.

**Response 3:** Comment acknowledged. The plans have been revised as requested.

**Response 4:** We acknowledge your comment, however, as agreed to in our march 27, 2014 meeting the landscape plan is deferred to the Planned development stage of the process.

**Response 5:** Comment acknowledged.

**Response 6:** Revised details provided on sheet LJ-103 as requested.

**Response 7:** Variances for the removal of the trees greater than 30" (ST-56, ST-63, ST-92, ST-94, ST-112, ST-50 and ST-118) as well any tree within the historic site or associated with a historic structure (ST-10, ST-13 and ST-20) will be submitted under separate cover.

**Response 8:** In the applicants last meeting with DNEP, P&Z and the Historic Preservation Division on March 27, 2014 it was agreed that the road needed to remain on the south side of the existing historic structure and the road would be slightly angled to not appear as if it was straight. The applicant agreed that a more rural road surface would be appropriate to just past the historic house and then change over to a paved surface all of which was met with a favorable response from staff at the meeting.

**DEPT. OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS (Matthew Waters)**

*NOTE: These comments relate to storm water review which are addressed in detail on the Planned Development and Grading Permit process rather than part of the FCP review, however, we have provided a general response to each of the comments in our resubmission*

**Response 1:** It is our understanding a formal SWM report is not required at the Preliminary Forest Conservation level of plans review. A detailed report will be provided with the Planned Development Application. Please note that we have provided a SWM concept plan identifying intended areas of SWM so the Forest Conservation reviewers can see the intended development and extent of disturbance as it relates to the existing trees and critical root zones.

**Response 2:** The bio-retention area at the southwest corner of the site adjacent to 35 Milkshake Lane has been removed as requested.

**Response 3:** The developer has engaged a geotechnical engineer to perform a soils slope analysis in the area of your concern and we will provide the results of the study with our Planned Development submittal.

**Response 4:** The ownership of this facility is the landowner for the proposed project. The facility treats only onsite runoff and the proposed plan is to enhance this facility with minor expansions as needed to provide additional capacity and provide increased water quality/quantity benefits to the environment.

**HISTORICAL PRESERVATION DIVISION (no signature)**

The following is a response to the staff recommendations in the Primrose Hill Historic Significance written report:

**Response 1:** The revised site layout as depicted on the FCP has been revised to reflect the comments of the staff recommendation.

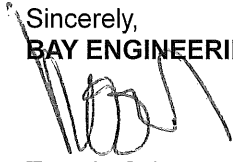
**Response 2:** In the applicants last meeting with DNEP, P&Z and the Historic Preservation Division on March 27, 2014 it was agreed that the road needed to remain on the south side of the existing historic structure and the road would be slightly angled to not appear as if it was straight. The applicant agreed that a more rural road surface would be appropriate to just past the historic house and then change over to a paved surface all of which was met with a favorable response from staff at the meeting.

**Response 3:** Comment acknowledged with the applicant agreeing to the condition and will engage the consultant in the Planned Development stage of the process after the FCP is approved.

I trust that our responses and plans will meet with your approval of this formal Forest Conservation Plan resubmittal. If you should have any questions or comments, please do not hesitate to contact me.

Thank you for your efforts in this regard.

Sincerely,  
**BAY ENGINEERING, INC.**

A handwritten signature in black ink, appearing to read 'Terry L. Schuman', is written over the company name.

Terry L. Schuman, P.E.

cc: Mike Burlbaugh, Elm Street  
Cary Hulse, Davey Resource Group



City of Annapolis

**DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS**

160 Duke of Gloucester Street, Room 202, Annapolis, Maryland 21401  
Annapolis 410-263-7946 • FAX 410-263-9158 • TDD 410-263-7943 • www.annapolis.gov

Maria Broadbent  
DIRECTOR

March 18, 2014

Mr. Terry L. Schuman, P.E.  
Bay Engineering Inc.  
190 Admiral Cochran Drive, Suite 175  
Annapolis, MD 21401

RE: Review of the Preliminary Forest Conservation Plan (PFCP), 3 Milkshake Lane, Received February 7, 2014.

The Department of Neighborhood and Environmental Programs has the following comments:

1. Figure 3:1 on page 3–3 of the State Forest Conservation Technical Manual (Third Edition, 1997) indicates all the elements required for a PFCP submission. Please include the following items in your PFCP application:
  - The Forest Conservation Act application (attached).
  - Area for planting
  - Environmental features map
  - Priority planting areas
  - SRA, utility easements, storm water management
  - Planting plan
  - Long term protection
  - Location of retention and planting area
2. The break even point on the Preliminary Forest Conservation worksheet is shown as false. The break even point is 0.00 and thus the total replanting requirement is 0.00. Please change the worksheet accordingly.
3. The proposed root aeration matting adjacent to tree number four is in an area where the grade will be lowered not raised. Please change the plans accordingly.
4. On the landscaping plan please show extensive planting buffers on all sides of the property. Planting buffers should consist of a mixture of native deciduous trees, native evergreens, and native shrubs. Said buffers will provide privacy for adjacent residents as well as for residents of Primrose Hill.
5. Please do not plant any vegetation within 15' of existing trees that will remain to preserve their root system.
6. All tree protection fencing will need to be chain link fencing with galvanized steel pipe line posts **used with filter log** (used in the critical root zones of existing trees) or super silt fencing.
7. As per the Forest Conservation Act please submit variances for the removal of any tree 30" in diameter or greater as well as for any tree that is a part of a historic site or associated with a historic structure.
8. Natural Resources Article, Title 5, §5-1607 (c) "*Priority for retention and protection.*" (ii) states: "*Trees that are part of a historic site or associated with a historic structure....*" As it pertains to historic structures and sites, the Department of Neighborhood and Environmental Programs (DNEP) relies on the expertise of Mrs. Craig, Chief of Historic Preservation for the City of Annapolis. Mrs.



*City of Annapolis*

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Maria Broadbent  
DIRECTOR

Craig and Mr. van Zutphen, Environmentalist for the City of Annapolis, visited the site on 12/12/13. Based on the site visit, the preliminary forest conservation plan, and the National Register of Historic Places, Primrose Hill document Mrs. Craig wrote a report. Staff would recommend the following (from Mrs. Craig's report):

- *"Move the proposed road over to the existing road location on the north east side of the property (an easement may be required) and consider using a more permeable material then asphalt to preserve the rural character of the setting."*

These comments are relative to the Preliminary Forest Conservation Plan submitted February 7, 2014 only. Any subsequent modifications to the plan must also be reviewed for Forest Conservation Act compliance before it can be considered complete and correct and forwarded to the Planning Commission.

Please contact me if you have any questions.

Sincerely,

Frank Biba, AICP, LEED AP  
Chief, Environmental Programs  
Dept. of Neighborhood and Environmental Programs  
410 263-7946  
[fjb@annapolis.gov](mailto:fjb@annapolis.gov)

## Terry Schuman

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**From:** Frank Biba <FJB@annapolis.gov>  
**Sent:** Wednesday, April 16, 2014 2:50 PM  
**To:** Terry Schuman  
**Cc:** Maria Broadbent  
**Subject:** Terry,  
**Attachments:** Primrose - Milkshake Lane Project.txt

Terry,

Your earlier email reminded me that I received SW comments on Primrose Hill after I had sent my March 18 email relative to Forest Conservation Plan. Stormwater is addressed in detail as part of the grading permit process rather than the part of the FCP review, however please include general responses to these comments in your next FCP submission.

Thanks, Frank

>>> Terry Schuman <[TSchuman@bayengineering.com](mailto:TSchuman@bayengineering.com)> 4/16/2014 2:02 PM >>>  
Thank you

Sent from my iPhone

> On Apr 16, 2014, at 1:37 PM, "Frank Biba" <[FJB@annapolis.gov](mailto:FJB@annapolis.gov)> wrote:  
>  
> Terry,  
>  
> Sorry for the omission. We use the State's form, attached.  
>  
> Frank  
> <fcaapplication.pdf>

Primrose - Milkshake Lane Project

From: Matthew Waters  
To: Frank Biba  
Date: 3/18/2014 5:06 PM  
Subject: Primrose - Milkshake Lane Project

Frank,

1. My comments for the Primrose Hill Project are, please note that I did not see a Stormwater Management Report:
2. The ESD practice on the southwest side of the project, closest to the existing building at 35 Milkshake Lane, is close to some steep slopes. This could cause the slope to weaken and fail if the practice is retaining runoff for an extended period of time. If the ESD practice proposed is for infiltration, the engineer should provide information showing that the runoff infiltrating will not come out on the slope and causing a slope failure. In the event of the inlet being clogged the runoff would flow down the steep slopes on the 35 Milkshake Lane and could cause issues at the systems outfall.
3. The ESD Practices on the Northeast side of the project are close to steep slopes behind homes on Edelmar Drive. This could cause the slope to weaken and fail if the practices are retaining runoff for an extended period of time. If the ESD practice proposed is for infiltration, the engineer should provide information showing that the runoff infiltrating will not come out on the slope and causing a slope failure. In the event of the inlets being clogged, the runoff would flow down the steep slopes into the back yard of these houses.
4. The entire site outfalls into an existing SWM facility after treatment. The ownership of this facility and the drainage area associated with this should be determined. If this facility is treating any impervious area other than the site, this facility should be inspected to ensure that it is not failing and functioning as design. Additionally, any proposed improvements to the site should require maintenance to repair any issues with the existing SWM facility.

Matthew Waters, PE  
Stormwater Engineer  
Department of Neighborhood & Environmental Programs  
City of Annapolis  
410.263.7946



## City of Annapolis

**Historic Preservation Division**  
**Department of Planning & Zoning**  
 145 Gorman Street, 3<sup>rd</sup> Fl  
 Annapolis, MD 21401-2535

[HistPres@annapolis.gov](mailto:HistPres@annapolis.gov) • 410-263-7961 • Fax 410-263-1129 • [www.annapolis.gov](http://www.annapolis.gov)  
 Deaf, hard of hearing or speech disability - use MD Relay or 711

### **Primrose Hill Historic Significance**

Primrose Hill, constructed for Mary Young Woodward and her husband Henry, is a 1760 brick dwelling sited near the crest of a knoll with the grade sloping downward on three sides. At the southwest side, the front yards shows distinct signs of intentional grading for two tiers of terraces.<sup>1</sup> The property is a two-and-a-half story, four-bay, double-pile brick house with a two story common bond brick kitchen dating from the second quarter of the nineteenth century. Early twentieth century porches are at the front and rear, while to the southeast is a 1986 non-historic hyphen and single-story brick addition. An early twentieth-century rusticated cast stone garage with a pyramidal slate roof is to the rear of the house.

Primrose Hill (aka Primrose Farm, Young's Inn) is architecturally significant as an excellent example of mid-eighteenth century Georgian design and construction. Additionally, it is historically important for its direct association with the American portraitist, John Hesselius who married Mary Woodward after Henry's death, and resided in the property from 1763 until his death in 1778. Hesselius was a prominent colonial portraitist with his paintings of the Calvert family some of his best know work. He also is know to have served as an early instructor for the more famous artist Charles Willson Peale, whose later work dominated the genre in the mid-Atlantic after the Revolution.

Primrose Hill originally comprised over 500 acres bordering Spa Creek. After the death of John, Mary Hesselius relocated and put the property up for sale in 1806, by which time it had grown to 686 acres. The advertisement indicates that along with a "commodious brick dwelling house" the property had "an excellent garden, containing a choice collection of fruit trees... great part of the said land is well timbered and lies convenient to the town."<sup>2</sup> The property was eventually sold in 1811 and changed hands a number of times. In 1878 the property totaled 435 acres and by 1917, the old brick house and 207 acres were sold to Kenneth Corner who became long-term owners of the farm. By 1956, the house and reduced acreage was acquired by Dr. Walter Earl Landmesser, Jr. who sold the property in 1998.

The house, including its two-acre parcel was listed on the National Register of Historic Places in 2000. The property's period of significance as identified in the listing is 1763-1778 and is significant under **Criteria B** as "associated with the lives of persons significant in our past" (Hesselius) and **Criteria C** which "embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values..." (Georgian Architecture).<sup>3</sup>

Primrose Hill is one of a few such elaborately scaled gentry houses in Anne Arundel County with Larkin's Hills in Harford (1753) and Tilton House (c.1760) on Maryland Avenue in Annapolis being the only two significant examples extant contemporary to Primrose Hill.

<sup>1</sup> National Register of Historic Places: AA-169 Primrose Hill – Section 7, pg. 1

<sup>2</sup> NRHP -- Section 8, pg. 5

<sup>3</sup> NRHP -- Statement of Significance

### **Primrose Hill – Preliminary Evaluation of Project Impact to Historic Site**

**In reviewing the proposed development in context with the criteria by which Primrose Hill qualifies for National Register designation, it is clear that the integrity of the property would be compromised with the new construction.**

Guidance for evaluating the impact of this development on this historic site is offered under the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Treatment of Cultural Landscapes*. The Standards are intended to promote responsible preservation practices that help protect irreplaceable cultural resources.

In reviewing the relevant Standards, the following would apply:

**Standard #1** – A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships.

**Standard #2** – The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

**Standard #9** – New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new works will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

**Standard #10** – New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Guidelines key to the evaluation of this historic site are as follows:

**Integrity and existing conditions** – Integrity is the authenticity of a cultural landscape's historic identity: it is the physical evidence of its significance. Existing conditions can be defined as the current physical state of the landscape's form, order, features and materials.<sup>4</sup>

**Geographic Context** – The surroundings of a cultural landscape, whether an urban neighborhood or rural farming area may contribute to its significance and its historic character. The setting may contain features which fall within the property's historic boundaries.

**Use** – Historic, current, and proposed use of the cultural landscape must be considered.

**Archeological Resources** – Prehistoric and historic archaeological resources may be found in cultural landscapes... the appropriate treatment includes the identification and preservation of significant archaeological resources. Many landscape preservation projects include a site archeologist.

Therefore, in reviewing the relevant Standards and applying the targeted Guidelines, the following analysis is offered:

The historic spatial organization and land patterns of the site (i.e. the knoll and sloping grade, the terraces, the treed setting) are character-defining elements associated with the period of significance. While the current tree inventory does

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<sup>4</sup> *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* – Pg. 7 "For example, the integrity of an abandoned garden may be clear based on its extant form, features, and materials, but existing conditions may be poor, due to neglect or deferred maintenance."

not include any trees dating from the late 18<sup>th</sup> Century period of significance, references to the property as timbered are indicative of the forested character of the site. Therefore, any trees associated with the historic evolution of the property as a working farm and rural manor house should be retained as contributing to the historic setting (context) and use.

In addition, the historic geographic context of the site – a rural setting which retains the historic spatial relationship of the knoll, sloping grade and terraces to the Georgian style house – must be retained if the integrity of the property is to be preserved. Significant grading would appear to be required for the introduction of this densely-designed new use and circulation pattern, thereby altering greatly the historic topography and the authenticity of the landscape's form, order, features and materials.

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#### **Staff Recommendation - Historic Preservation Division**

***Staff would recommend the following:***

- ***The area from the knoll to the drive as well as the front terracing be considered for preservation as open space, all mature trees in good health be retained, and the housing currently proposed for these locations (both townhouse and single family homes) be removed from the plan. This area could be considered for an interpretive walking trail (pervious surface only) that tells the story of Primrose Hill and its notable residents.***
- ***Move the proposed road over to the existing road location on the north east side of the property (an easement may be required) and consider using a more permeable material than asphalt to preserve the rural character of the setting.***
- ***Retain a qualified archaeological consultant to evaluate the historic site to determine what areas have the greatest potential for discovery of historically significant artifacts associated with the property's historic evolution.***